

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.13858 of 2015

G.Poornalingam

...Petitioner

vs.

1. The Commissioner,
Pallavapuram Municipality,
Chrompet,
Chennai - 600 044

2. Raju

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the 1st respondent to remove the unauthorized construction and encroachment made by the 2nd respondent on the public road at S.No.532/2, Ward - E, Block - 34, T.S.No.141 Door No.90/6, 18th Street, New Colony, Chrompet, Chennai - 44 within the stipulated time as that may be fixed by this Court.

For petitioner : Mr.N.Umapathi

For Respondents : Mr.P.Srinivas for R.1

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The petitioner, claiming to be a resident of the neighbouring area, has come up with this petition seeking a direction to the 1st respondent to remove the unauthorized construction and encroachment made by the 2nd respondent on the public road at S.No.532/2, Ward - E, Block - 34, T.S.No.141 Door No.90/6, 18th Street, New Colony, Chrompet, Chennai - 44 .

2. Pursuant to the notice, the 1st respondent Municipality has filed counter affidavit stating therein that on inspection it is found that there is no encroachment on public pathway. In fact, the referred Survey No.532/2 belongs to the petitioner as well as the 2nd respondent under private patta, which is strongly contested by the petitioner. In view of the contest in respect of the nature of the property, the issue is disputed. If the facts are disputed, this Court cannot resolve the same on the basis of affidavits filed by the parties. The proper course for the petitioner is to take recourse to competent Civil Court for redressal of the grievance by resolving the disputed facts.

3. The writ petition is dismissed accordingly. However, there is no order as to costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

The Commissioner,
Pallavapuram Municipality,
Chrompet,
Chennai - 600 044

1 CC to Mr.P.Srinivas, Advocate SR.No. 31950

सत्यमेव जयते

W.P.No.13858 of 2015

KSJ (CO)
PSI (07.07.2015)

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